

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1817

BIRHANE KFLOM MOGES,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A45-677-931)

Submitted: December 13, 2004

Decided: January 7, 2005

Before LUTTIG, WILLIAMS, and DUNCAN, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Edward N. Leavy, LEAVY & FRANK, L.L.C., Bethesda, Maryland, for Petitioner. Peter D. Keisler, Assistant Attorney General, David V. Bernal, Assistant Director, Jamie M. Dowd, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Birhane Kflom Moges, a native and citizen of Ethiopia, seeks review of a decision of the Board of Immigration Appeals (Board) affirming the immigration judge's denial of asylum, withholding of deportation, and protection under the Convention Against Torture.* The immigration judge concluded that, because of changed conditions in Ethiopia, Moges did not have a well-founded fear of persecution or entitlement to asylum based on past persecution. See 8 C.F.R. § 1208.13(b) (2004); Gonahasa v. INS, 181 F.3d 538, 541-42 (4th Cir. 1999). We have reviewed the administrative record and the immigration judge's decision and find that the ruling of the immigration judge, affirmed by the Board, is supported by substantial evidence. See INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992).

In addition, we uphold the denial of Moges' application for withholding of removal. "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004).

*Moges asserts no arguments regarding the Convention Against Torture in this Court.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED